

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDWARD L. ERB, DO

Defendant.

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Case No. 3:05cv153

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY ADOPTING INITIAL (DOC. #15) AND
SUPPLEMENTAL (DOC. #17) REPORTS AND RECOMMENDATIONS
OF UNITED STATES MAGISTRATE JUDGE; DEFENDANT'S
OBJECTIONS TO SAID JUDICIAL FILINGS (DOCS. #16 AND #19)
OVERRULED; PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
SUSTAINED (DOC. #8); JUDGMENT TO BE ENTERED IN FAVOR OF
PLAINTIFF AND AGAINST DEFENDANT IN THE AMOUNT SET FORTH
HEREIN; TERMINATION ENTRY

Based upon the reasoning and citations of authority set forth by the United States Magistrate Judge in his Initial (Doc. #15) and Supplemental (Doc. #17) Reports and Recommendations, as well as upon a thorough *de novo* review of the applicable law and this Court's file, including, without limitation, the properly authenticated documents of record, this Court adopts said Initial and Supplemental Reports and Recommendations in their entirety. The Defendant's Objections to said judicial filing (Docs. #16 and #19) are overruled. The Defendant's Request for

Judicial Review of Summary Judgment, filed as part of his Objections to the Magistrate Judge's Supplemental Report and Recommendations (Doc. #19), is likewise overruled. In short, the properly authenticated documents of record (which do not include the unresponded to Requests for Admissions served upon the Defendant by Plaintiff, as same have not been authenticated of record), including, *inter alia*, the Government's Certificate of Indebtedness appended to its Complaint, are unresponded to by this Defendant, with properly authenticated Fed. R. Civ. P. 56 materials, sufficient to create a genuine issue of material fact.

WHEREFORE, this Court adopts both the Initial (Doc. #15) and Supplemental (Doc. #17) Reports and Recommendations of the United States Magistrate Judge in their entirety, and overrules the Defendant's Objections to said judicial filings (Docs. #16 and #19). The Plaintiff's Motion for Summary Judgment (Doc. #8) is sustained. Judgment will be ordered entered in favor of the Government and against the Defendant in the amount of Fifty-seven Thousand, Five Hundred Eighty-eight Dollars and 78/100 (\$57,588.78), comprising \$27,288.00 in principal and \$30,360.78 in accrued interest, plus interest from November 1, 2004, to the date of judgment, at the rate of \$9.98 per day, as well as post-judgment interest at the prevailing rate.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

/s/ Walter Herbert Rice

May 5, 2006

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Deborah F. Sanders, Esq.
Edward L. Erb, DO, Pro Se

WHR:slc